

22 AUGUST 1947

I N D E X
of
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
WAKAMATSU, Makoto (resumed)	26532
Direct by Mr. Brannon (cont'd)	26532
Cross by Brigadier Quilliam	26538
(Witness excused)	26542
ENOMOTO, Juji (recalled)	26543
Direct by Mr. Roberts	26543
(Witness excused)	26551
NOMURA, Naokuni	26559
Direct by Mr. Roberts	26559
Direct (cont'd) by Mr. SHIMANOUCHI	26577
Direct (cont'd) by Mr. Roberts	26583
Cross by Mr. Tavenner	26585
<u>NOON RECESS</u>	26587
Cross (cont'd) by Mr. Tavenner	26589
Redirect by Mr. SHIMANOUCHI	26599
Recross by Mr. Tavenner	26602
Redirect by Mr. SHIMANOUCHI	26603
(Witness excused)	26604
<u>AFTERNOON RECESS</u>	26609

22 AUGUST 1947

I N D E X
of
WITNESSES
(cont'd)

<u>Defense' witnesses</u>	<u>Page</u>
YOSHIDA, Hidemi (recalled)	26613
Direct by Mr. Brannon	26613
Cross by Captain Robinson	26621

22 AUGUST 1947

I N D E X
O F
E X H I B I T S

Doc. <u>No.</u>	Def. <u>No.</u>	Pros. <u>No.</u>	Description	For <u>Ident.</u>	In <u>Evidence</u>
1972	2999		Affidavit of Paul W. Wenneker		26553
			MORNING RECESS		26561
1606	3000		Affidavit of NOMURA, Naokuni		26562
	3000-A		Certificates of Non-Exist- ence of Documents		26563
1596	3001		Navy Department - Bureau of Ships, Washington, D.C., re Vessels constructed and under construction by the U. S. Navy De- partment as of 7 December 1941		26611
1597	3002		Navy Department - Bureau of Ships, Washington, D. C., Letter dated 3 April 1947 to Judge Advocate General, Navy Division, War Crimes Office		26611
2085	3003		Affidavit of YOSHIDA, Hidemi		26615
1572	3003-A		Comparative Table of Naval Vessels on Hand Between the USA and Japan as of 7 December 1941		26618
1573	3003-B		Comparative Table of Naval Vessels under construc- tion between the USA and Japan as 7 December 1941		26618

Friday, 22 August 1947

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with the exception of: HONORABLE JUSTICE I. M. ZARAYANOV, Member from the USSR., not sitting from 0930 to 1600; HONORABLE JUSTICE LORD PATRICK, Member from the United Kingdom of Great Britain and HONORABLE JUSTICE E. H. NORTHCROFT, Member from the Dominion of New Zealand, not sitting from 1330 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese to English interpretation was made by the Language Section, IMTFE.)

WAKAMATSU

DIRECT

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MARSHAL OF THE COURT: The International
1 Military Tribunal for the Far East is now in session.

2
3 MAKOTO WAKAMATSU, resumed the stand
4 and testified, through Japanese interpreters,
5 as follows:

6 DIRECT EXAMINATION (Continued)

7 THE PRESIDENT: Mr. Brannon.

8 MR. BRANNON: I will proceed with the read-
9 ing of the affidavit of WAKAMATSU Makoto. Omitting
10 the formal parts, I read as follows:

11 "My name is WAKAMATSU, Makoto and I reside
12 at No. 774, Karuizawa, Karuizawa-machi, Nagano
13 Prefecture. I wish to make the following statement:

14 "1. I was an employee of the NANYO KOHATSU
15 KABUSHIKI-KAISHA (South Seas Development Co., Ltd.)
16 As an employee of the said company, I was on Tinian
17 Island under Japanese mandated rule from January to
18 October 1935, on Rota Island from October of the same
19 year to January of 1937, and on Saipan Island from
20 January 1937 to April 1946. On June 14, 1944 the
21 United States forces landed on Saipan and I was in
22 custody of the forces from July 13, 1944 to April,
23 1946 when I was repatriated to Japan.

24
25 "2. During my internment, on or about

1 March 16, 1946, I was summoned to the United States
2 Military Government in Saipan and examined by a
3 young American Lieutenant (junior grade) of about
4 twenty years. He knew Japanese and interrogated me
5 in that language. His Japanese was not fluent, but
6 good enough to make himself understood. He wrote
7 down my statement in English and had me sign it but
8 he did not translate it and read it to me.

9 "I have looked at the original document
10 numbered prosecution exhibit 884 which was shown to
11 me by defense counsel at the time I was interviewed
12 here in this building. I do not understand spoken
13 English. I can only understand written English if
14 I have an English-Japanese dictionary before me and
15 considerable time to ponder over the written
16 material. On the original document is a statement
17 by Ensign Charles D. Sheldon which reads as follows:

18 "I swear that I am familiar with both the
19 English language and the Japanese language and that
20 before the above statement was signed I read same
21 in the Japanese language to the person who signed
22 same.'

23 "This statement is in error. A translation
24 of this English document was not given to me either
25 orally or in written form. The manner in which I was

1 questioned is as follows: The American Lieutenant
2 asked me questions in Japanese to which I responded.
3 Then, writing with a fountain pen on a piece of
4 paper, he appeared to be making out a statement.
5 The interview lasted about 20 minutes, at the end of
6 which time the Lieutenant gave the handwritten piece
7 of paper to a Navy enlisted man who typed out the
8 piece of paper which I ultimately signed in the same
9 room. I knew Ensign Sheldon by sight since he was
10 in charge of the Japanese internees at my camp and I
11 saw him almost every day. However, I had never
12 spoken to him nor he to me. Therefore, the in-
13 accuracies and mistakes appearing in the affidavit,
14 Court exhibit 884 in regard to which I shall make my
15 statement, must have occurred because the English was
16 never translated into Japanese and read back to me
17 for confirmation.

18 "3. I want to point out inaccuracies and
19 mistakes in the affidavit (Court exhibit 884) which
20 is purported to be the record of my oral statement,
21 as follows:

22 "(a) In the above-mentioned affidavit it
23 is written: 'I observed various military installa-
24 tions in the vicinity of ASLITO Field on which con-
25 struction was commenced in 1933.' However, I merely

1 stated: 'I think that ASLITO Air Field had been
2 there about two years before I reached Saipan.' I
3 did not state 'I observed various military in-
4 stallations.'

5 "(b) In the same affidavit it is written:
6 'Two years before the outbreak of the war, the Japan-
7 ese military built a series of concrete trenches
8 and shelters around the ASLITO Air Field which were
9 designed to serve as means of protection in case of
10 air raids.' However, this is an error. I stated:
11 'One or two years before the U. S. forces occupied
12 SAIPAN, I saw concrete air raid shelters along the
13 road near the Air Field.'

14 "(c) In the same affidavit it is written:
15 'In 1940, I happened to see some Japanese navy men
16 storing a huge amount of ammunition in some ware-
17 houses in ASLITO Air Field. These warehouses were
18 situated in a forest section and were camouflaged to
19 look like trees.' This is also a mistake. I merely
20 stated: 'About one year before the occupation by
21 the United States forces I saw camouflaged warehouses
22 on the hillside of ASLITO.' And when I was questioned
23 in regard to what was contained in those warehouses,
24 I answered: 'I don't know.'

25 "(d) In the same affidavit it is written:

1 stated: 'I think that ASLITO Air Field had been
2 there about two years before I reached Saipan.' I
3 did not state 'I observed various military in-
4 stallations.'

5 "(b) In the same affidavit it is written:
6 'Two years before the outbreak of the war, the Japan-
7 ese military built a series of concrete trenches
8 and shelters around the ASLITO Air Field which were
9 designed to serve as means of protection in case of
10 air raids.' However, this is an error. I stated:
11 'One or two years before the U. S. forces occupied
12 SAIPAN, I saw concrete air raid shelters along the
13 road near the Air Field.'

14 "(c) In the same affidavit it is written:
15 'In 1940, I happened to see some Japanese navy men
16 storing a huge amount of ammunition in some ware-
17 houses in ASLITO Air Field. These warehouses were
18 situated in a forest section and were camouflaged to
19 look like trees.' This is also a mistake. I merely
20 stated: 'About one year before the occupation by
21 the United States forces I saw camouflaged warehouses
22 on the hillside of ASLITO.' And when I was questioned
23 in regard to what was contained in those warehouses,
24 I answered: 'I don't know.'

25 "(d) In the same affidavit it is written:

1 'There were coastal guns located on AGINGAN Point
2 and NAFUTAN Point.' However, actually I answered:
3 'About one year before the occupation of the United
4 States forces, I heard that there were coastal guns
5 on AGINGAN Point and NAFUTAN Point.'

6 "(e) In the same affidavit it is written:
7 'I heard after from NKK officials that there was an
8 anti-submarine net in TANAPAG Harbor placed there
9 just before December, 1941.' However, the fact is
10 that when I was asked 'You know that there was an
11 anti-submarine net in TANAPAG Harbor, don't you?'
12 I answered: 'I don't know about it.'

13 "4. Since, as above mentioned, I stayed on
14 Saipan, Tinian and Rota Islands for about ten years
15 from 1935 to 1946, I was very familiar with con-
16 ditions on these islands. The cultivation of sugar
17 cane, the manufacture of sugar and alcohol, and the
18 improvement of fishing and fisheries, etc., in these
19 islands were promoted by the Japanese. Beside the
20 Japanese, the Chamorros, Kanakas and other natives
21 were also employed, and they were engaged in the
22 above productive industries, thereby elevating their
23 economic standard of living to a remarkable extent.

24 "In each island, besides schools for the
25 Japanese, public schools for the natives were

1 established. Primary education was widely carried
2 on. Secondary education was given to both the
3 Japanese and the natives together in the Japanese
4 school. Some of the natives who graduated from
5 intermediate schools went to Japan to be educated
6 in colleges. The Japanese made almost no discrimina-
7 tion in their treatment of the natives. It is true
8 that the standard of living of the natives was
9 lower than that of the Japanese, but generally the
10 Japanese were kind to them, and never worked the
11 native laborers excessively. Therefore, the natives
12 always felt well disposed toward the Japanese."

13 Signed, "WAKAMATSU, Makoto."

14 You may examine.

15 THE PRESIDENT: Brigadier Quilliam.

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1 CROSS-EXAMINATION

2 BY BRIGADIER QUILLIAM:

3 Q Witness, in what year were you born?

4 A I was born on June 15, 1907.

5 Q By occupation you are a chemical engineer,
6 are you not?

7 A I am a chemical apprentice engineer.

8 BRIGADIER QUILLIAM: I am afraid I did not--

9 THE INTERPRETER: Chemical apprentice engineer.

10 BRIGADIER QUILLIAM: I did not hear the
11 answer, may it please your Honor -- the translation.12 THE INTERPRETER: An apprenticed chemical
13 engineer.14 THE PRESIDENT: Your headphones must be
15 defective, Brigadier.

16 BRIGADIER QUILLIAM: Yes, I am afraid so.

17 THE PRESIDENT: I have heard the answer three
18 times.19 BRIGADIER QUILLIAM: I heard the words
20 "chemical engineer" but I did not hear what preceded
21 those words.22 THE INTERPRETER: Correction in the trans-
23 lation: chemical technician.24 Q I take it you had a university education, is
25 that so?

A Secondary school.

1 Q And you were employed, were you not, for
2 some years by the South Seas Development Company?

3 A Yes, since September, 1934 -- December,
4 correction.

5 Q Were you employed as chemical technician?

6 A At first an apprentice and later I became a
7 technician.

8 Q That would be a very responsible position,
9 would it not?

10 A Just an ordinary member of the staff.

11 Q Now coming to the circumstances of your
12 making your first statement, Witness, I understand
13 that you were directed to go to the Military Government
14 Office, is that so?

15 A I was asked to come to the United States
16 Military Government Office.

17 Q And who were there when you arrived?

18 A The one who interrogated, a young lieutenant,
19 two natives, and in another room more than ten natives.

20 Q Was there not also a typist there, an
21 enlisted man?

22 A Yes, in addition to the lieutenant there was
23 an enlisted man who was a typist and after my interro-
24 gation was over there were two natives in the room.

In addition there were two natives whose interrogation
had already been concluded.

Q Did the officer tell you what he wanted you
for?

A He did not say anything.

Q How did matters proceed; what happened?

A In accordance with some notations made on a
memo paper he asked questions such as were incorporated
in the affidavit.

Q And all those questions had reference to
fortifications and military installations in the
Mandated Islands, did they not?

A He apparently had some kind of a list of
questions and asked me questions one by one, "When
was the airfield created?"; "Were you ever there?";
and so forth.

Q And they all had reference to fortifications
and installations in the Mandated Islands, did they not?

A Everything related to the armed forces.

Q All right. Now as to your knowledge of
English, I understand that you can read English but
only with great difficulty, is that so?

A That is a fact.

Q Can you write English, write in the English
form?

In addition there were two natives whose interrogation
had already been concluded.

Q Did the officer tell you what he wanted you
for?

A He did not say anything.

Q How did matters proceed; what happened?

A In accordance with some notations made on a
memo paper he asked questions such as were incorporated
in the affidavit.

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questions and asked me questions one by one, "When
was the airfield created?"; "Were you ever there?";
and so forth.

Q And they all had reference to fortifications
and installations in the Mandated Islands, did they not?

A Everything related to the armed forces.

Q All right. Now as to your knowledge of
English, I understand that you can read English but
only with great difficulty, is that so?

A That is a fact.

Q Can you write English, write in the English
form?

A Yes.

1 Q In fact, you wrote your name in the English
2 form twice in the statement, did you not?

3 A Yes.

4 Q On how many copies of the statement did you
5 write your name?

6 A Just one copy.

7 Q And how long did the whole matter take?
8 How long were you there altogether?

9 A I think it was approximately twenty minutes.

10 Q Did you, before signing, ask the officer
11 any questions yourself?

12 A No, I did not.

13 Q Did you not ask what it was you were being
14 required to sign?

15 A I asked no questions.

16 Q Very well. Now, when did you first know
17 that your statement had been produced to the Tribunal
18 here?

19 A I learned about it for the first time when
20 it appeared in the newspapers in October last year.

21 Q And what did you do about the matter?

22 A I did nothing.

23 Q When did anyone first see you about it?

24 A I do not remember the date but I was asked

1 to call on the defense counsel and meet defense
2 counsels.

3 Q You made your affidavit on the 22d of May
4 of this year. How long before that was it that you
5 were asked to call on defense counsel?

6 A I made visits to defense counsel a number of
7 times and I do not remember very exactly but I think
8 it was in November last year.

9 BRIGADIER QUILLIAM: May it please the
10 Tribunal, I have no further questions.

11 THE PRESIDENT: Mr. Roberts.

12 MR. ROBERTS: No further questions. May the
13 witness be excused on the regular terms?

14 THE PRESIDENT: He is excused accordingly.

15 (Whereupon, the witness was excused.)

16 MR. ROBERTS: We call as our next witness
17 Juji ENOMOTO. This witness will testify concerning
18 the Japanese position underlying the abrogation of the
19 Washington Naval Treaty giving fully the reasons
20 therefor. This will be the only direct evidence
21 either by documents or testimony on this point.
22 - - -
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1 J U J I E N O M O T O , recalled as a witness on
2 behalf of the defense, having been previously
3 sworn, testified through Japanese interpreters
4 as follows:

5 MR. ROBERTS: May the witness be shown
6 defense document 1904?

7 THE PRESIDENT: You are still on your former
8 oath.

9 DIRECT EXAMINATION
10 BY MR. ROBERTS:

11 Q Please examine this document and tell us
12 whether or not it is your sworn affidavit.

13 A This is my affidavit.

14 Q Is it true and correct?

15 A Yes.

16 MR. ROBERTS: I offer in evidence, together
17 with the annexes but with the understanding that the
18 annexes are not to be read but are only offered because
19 of the fact that they are referred to and mentioned
20 in the affidavit, defense document 1904.

21 THE PRESIDENT: Mr. Comyns Carr.

22 MR. COMYNNS CARR: May it please the Tribunal,
23 the prosecution objects to this document and its annexes
24 as an abuse of the processes of this Court. Yesterday
25 an affidavit of eleven pages by this witness was

1 rejected. Today he returns to the charge with an
2 affidavit of 89 pages together with 24 annexes which,
3 if I have counted them correctly, contain 155 pages.
4 The only issue in this case to which all that is
5 directed is the question of the denunciation of the
6 Washington Naval Treaty in 1934 and the failure of
7 the London Conference to arrive at a new agreement
8 at subsequent meetings down to January 1936.

9 In our submission the whole of what is worth
10 saying in this affidavit could have been included in
11 ten pages but the witness has chosen to approach it
12 by, first of all, 24 pages and 13 annexes dealing
13 solely with the history of conferences previous to
14 the one in question beginning with the year 1921,
15 including all of the proposals, counterproposals and
16 arguments used in support thereof.

17 At page 24 he starts on the real subject
18 matter and the remaining 65 pages do deal with it but
19 in a manner so prolix with again, and in much more
20 detail, every proposal and counterproposal made by
21 everyone of the powers taking part in the conference,
22 all the arguments and the reasons for the Japanese
23 views, a number of instructions alleged to have been
24 received at various stages by the Japanese delegates,
25 a number of private conversations between delegates

ENOMOTO

DIRECT

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1 at the conference and elsewhere, and pages of
2 protestations of Japan's pacific intentions together
3 with the witness' opinions on various points.

4 We have tried to see whether it would be
5 possible to pick out bits of it that contain the gist
6 but that seems to be impossible and we ask the Tribunal
7 to reject the whole of it for outrageous prolixity.
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1 THE PRESIDENT: Mr. Comyns Carr, we should
2 have what the Japanese representatives wrote and
3 said at the time and such other material as is
4 necessary to understand that. I think we have some
5 of it; we may not have all of it. Probably this
6 affidavit goes beyond what is necessary, that is,
7 according to your description.

8 MR. COMYNS CARR: Yes, your Honor. I was
9 submitting that it goes so outrageously beyond what
10 is necessary that the only way of dealing with it
11 is to leave it to the defense to prepare a proper
12 document containing only what is necessary and sub-
13 mit it at some later stage.

14 THE PRESIDENT: From what you say this is not
15 merely evidence, but an elaborate argument.
16

17 MR. COMYNS CARR: Yes.

18 MR. ROBERTS: I submit that the statement
19 of the prosecutor that it is an elaborate argument
20 is not in accordance with the facts. The Court should
21 keep in mind this covers a period of events beginning
22 in 1925 and continuing until 1936. This man is the
23 only living member of the delegations that attended
24 all the conferences, and he, as the Court has sug-
25 gested, is giving only the conversations that took
place on the part of the delegates and stating the

1 actual facts that occurred.

2 We can assure the Court that the defense has
3 spent many hours and many days going over this infor-
4 mation and these facts, and have boiled it down to
5 the barest minimum in order to give a true picture
6 and a true story of actually what happened at those
7 conferences. The Court will recall that in our
8 previous affidavits in this phase when it was possible
9 we reduced them to one or two or three pages just to
10 give you the facts.

11 THE PRESIDENT: We want you to do that
12 again. We could have nothing more conclusive than
13 what the Japanese representatives said and wrote at
14 the time, more particularly what they said at the
15 conferences. We do not need the help of this witness
16 to elaborate or elucidate the views of the Japanese
17 representatives.

18 MR. ROBERTS: If your Honor please, he is
19 not elaborating. As you suggested, he is giving
20 their version of what they said because he was there
21 at the time. He is simply repeating --

22 THE PRESIDENT: But what they said at the
23 time was recorded then and is to be found in well-
24 known publications. Where are they?

25 MR. ROBERTS: That is exactly what we are

1 trying to avoid in getting into time that will be
2 expended in producing all those documents; whereas,
3 this man who was present can tell us exactly what was
4 said by the delegates and all the facts surrounding
5 those talks.

6 THE PRESIDENT: We do not need his assis-
7 tance to edit the official reports of the conference.

8 MR. BRANNON: Mr. President, since I am in
9 the main responsible for this document I would like
10 to explain very briefly how we came to draft it as
11 we did and why.

12 THE PRESIDENT: No explanation is needed.
13 We must judge of these things on their face -- not
14 how and why you came to draft the affidavit. All
15 that matters is what the Japanese representatives said
16 at the conference. We are not going to ask this man
17 to tell us again, in his own words, when the official
18 report is available.

19 MR. COMYNS CARR: Your Honor, I understood
20 the Tribunal had made a rule that only one counsel
21 be heard on each side on one objection.

22 THE PRESIDENT: We have not decided to hear
23 him. Since he appeared there I have done all the
24 talking. I am saying that it is not necessary to

ENOMOTO

DIRECT

26,549

1 hear him, Mr. Carr.

2 MR. BRANNON: I would like to state some-
3 thing, Mr. President.

4 THE PRESIDENT: You cannot. A majority
5 are not prepared to hear two counsel on any point.
6 There is nothing to hear on this point, at all events.

7 MR. BRANNON: We have no further evidence on
8 this point.

9 THE PRESIDENT: A majority are for reject-
10 ing this affidavit, but they are not adverse to re-
11 ceiving it again if it is confined to what is relevant
12 and material and is not prolix. Frankly, I cannot see
13 why we need more than the report of the conferences,
14 and that is available.

15 MR. ROBERTS: The point is that that report
16 would not give us the Japanese idea as it developed
17 from the original conference in 1921. This is not an
18 idea that arose suddenly in 1935 or 1936, at the time
19 of the abrogation of the treaty. It was something that
20 grew out of talks, and conferences were held since the
21 beginning of the original Washington conference. As
22 to official statements, documents and utterances, we
23 have them here, if your Honor please, in these twenty-
24 four annexes which we are submitting for the guidance
25 of the Court, and they are referred to in this

affidavit.

We want this Court to understand that we considered this matter very seriously, that we spent many, many days on the material to be provided, and that we have cut it down up to the present time to the barest minimum that we consider necessary to give you the exact and truthful facts surrounding the abrogation of that treaty.

THE PRESIDENT: By a majority the objection is sustained and the affidavit in its present prolix form is rejected.

I make it clear we are not rejecting the proceedings of the conferences so far as they assist the Japanese.

MR. ROBERTS: We still insist that this is the shortest method of proving these facts, and we have tried and endeavored to reduce it to the barest minimum, and that is what we consider it to be.

THE PRESIDENT: There is no need to repeat yourself, Mr. Roberts.

MR. BRENNON: We offer in evidence defense document 1972, which is the sworn affidavit of Paul W. Weneker, former German Naval Attaché to Japan and Admiral in the German Navy.

THE PRESIDENT: This witness is discharged

1 on the usual terms. Personally, I do not see any
2 need to recall him, but you may be permitted to do so.

3 (Whereupon, the witness was
4 excused.)

5 MR. ERANNON (Continuing): While giving
6 information concerning several of the Mandated Is-
7 lands and the lack of fortifications thereon, in the
8 main this statement is directed at the charge of
9 naval collaboration between Germany and Japan with
10 special reference to submarine warfare.

11 It was the personal desire of defense counsel
12 to produce this witness so that he might testify from
13 the box, but because of the repatriation program
14 returning German nationals to their native land this
15 month the prosecution has waived its cross examina-
16 tion and the defense has agreed to present the
17 affidavit alone.

18 THE PRESIDENT: Mr. Tavenner.

19 MR. TAVENNER: If the Tribunal please, your
20 attention is called to page 3, item 5, the last sen-
21 tence in that item, beginning with the words, "As I
22 said before . . ." Objection is made to this sentence
23 on the ground that it is an expression of opinion. In
24 fact, it is worse than that; it is a speculation and
25 surmise on the part of the witness.

THE PRESIDENT: He can testify as to his
1 surprise, but not as to his opinion certainly. In
2 half of what last sentence he repeats his surprise
3 already expressed, but when he says he feels a thing --
4 you can ordinarily testify to your feelings, but by
5 feeling, there he means in his opinion.

MR. TAVENNER: Yes. We desire to object
7 also to that part of the sentence dealing with the
8 witness' surprise, as that is certainly irrelevant
9 and immaterial.

THE PRESIDENT: Well, you did not object
11 to it when he expressed it before, you see.

MR. BRANNON: This is a full admiral, a
13 military man by profession, and we feel that in using
14 this particular kind of language he is merely impressing
15 what his thought was. This is not opinion to the ex-
16 tent as to be objectionable.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: If the Tribunal please, I had
19 not quite completed my statement, as I advised counsel,
20 but he had already started to make his statement.

22 There is a prior reference in the same
paragraph as to the surprise of himself and the
Italian attache beginning with the sentence, "I, like
the Italian attache . . ." and I desire to extend

1 the objection to cover the surprise of the Italian
2 attache as well as that of the German admiral.
3 Whether or not either is surprised is certainly not
4 relevant or material to any issue.

5 MR. BRANNON: Mr. President, we feel that
6 it is purely a gratuitous objection, a play on words.
7 The meaning is very clear. The man is not trying
8 to express his emotions; he is just trying to state
9 a fact.

10 THE PRESIDENT: I think it is irrelevant;
11 but, as has been said by a colleague, it is petty.
12 The last sentence should be omitted, the last sentence
13 in paragraph 5 should be omitted. The objection is
14 sustained to that extent.

15 CLERK OF THE COURT: Defense document 1972
16 will receive exhibit No. 2999.
17

18 (Whereupon, the document above
19 referred to was marked defense exhibit
20 No. 2999 and received in evidence.)
21
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1 MR. BRANNON: I now read the affidavit of
2 Paul W. Wenneker.

3 "1. My name is Paul W. Wenneker. I reached
4 the rank of full Admiral in the German Navy. From
5 1934 until 1937, and later from 1940 until the surren-
6 der I was the chief German Naval Attache to Japan,
7 residing in Tokyo. After returning to Germany in 1937
8 I was given general naval duty including command of
9 the German pocket battleship Deutschland.

10 "2. My duties as German Naval Attache were
11 quite similar to the duties of attaches of other
12 countries at that time. During my first stay in Japan
13 from 1934 to 1937 I had absolutely no instructions
14 of any kind with reference to military collaboration
15 with Japan. In fact my association with the naval
16 men of other countries, namely Great Britain, the
17 United States and Russia was much closer than with
18 the Japanese. We were all treated with like suspicion
19 and distrust by Japanese naval officers. Even when
20 I returned the second time in 1940, after the outbreak
21 of the European war, the situation relative to coopera-
22 tion between my country and the Japanese naval offi-
23 cials was not greatly improved. I seldom was able to
24 inspect their ships. My request to visit the Mandated
25 Islands had been repeatedly refused. I was never

1 afforded the courtesy of discussing matters with
2 Japanese naval officers of my own rank but was forced
3 to deal with captains and younger officers. Even
4 after the outbreak of hostilities in the Pacific,
5 cooperation was sadly lacking between German and
6 Japanese naval officials.

7 "3. I was not informed by the Japanese that
8 they were to attack Pearl Harbor. I did not know that
9 hostilities would commence on December 8, 1941. Such
10 information had not been conveyed to my country
11 through my office or through the Embassy, even though
12 both Germany and Japan were then faced with a common
13 enemy. As to the real strength of the Japanese Navy,
14 the number and size of ships under construction, the oil
15 supply in stock and operational plans under contempla-
16 tion, I must state that I possessed not even an
17 approximate knowledge concerning them, even though I
18 was the logical person to receive such information.
19 I had inquired concerning these matters frequently
20 both officially and privately but received either no
21 replies or such vague answers as to be of no value
22 whatsoever.

23 "During the Pacific War, further evidence
24 of lack of cooperation was the fact that the Japanese

1 failed to reveal vital information concerning their
2 losses incurred during important naval battles. I
3 distinctly remember that it was around a year after
4 the battle of Midway that I first learned that Japan
5 had lost four carriers. We had requested information
6 concerning this particular matter on many occasions
7 since we had heard American broadcasts to this effect
8 but the Japanese consistently refused to inform us.

9 "4. Relative to cooperation between Germany
10 and Japan in regard to submarine warfare, I wish to
11 say that the utter lack of cooperation would be the
12 better topic for discussion. Germany did attempt to
13 school Japanese naval officers in the thought that
14 submarines should be used to attack enemy merchant
15 shipping and thereby to cut off the supply lines.
16 The Japanese Navy contended that they could better
17 use their submarines for direct attack against fight-
18 ing vessels of the enemy. Hence our proposal was
19 completely rejected. We wished to assist the Japanese
20 toward the construction of modern and efficient sub-
21 marines. To this end we presented them with two new
22 submarines. The first was delivered by German crew
23 at Kure. The second was lost in the North Atlantic
24 and never reached the Japanese Islands. The first
25 submarine was minutely inspected by the Japanese but

I was later informed that they did not feel they
1 could duplicate it and did not intend to do so.
2 Therefore, in so far as German activity is concerned,
3 the Japanese submarine warfare was not affected in
4 any way.

5 "5. In April of 1942, I was finally allowed
6 to visit some of the Mandated Islands. I went to
7 Palau and Saipan, also stopping at Guam. I have
8 been asked if there were any fortifications on Saipan
9 or Palau. I, like the Italian Attache who was with
10 me, was greatly surprised to note there were absolutely
11 none. We saw air strips, some good billets, houses
12 and store houses, but no guns and no fortifications.
13 I saw a large field on Saipan which was supposed to
14 be an airfield but which was grown over by weeds.
15 The harbors were very poor and they were only commencing
16 the building of oil tanks.

18 "6. Germany lost two auxiliary cruisers,
19 three submarines and six steamers in Japanese waters
20 during the war. Most of these were lost out of lack
21 of cooperation, that is, insufficient escort or the
22 relaying of vital information concerning the enemy's
23 position by the Japanese.

25 "7. During my stay in Japan and from my many
social and business contacts with various military

men, I noticed a decided lack of cooperation even
1 between the Japanese Army and Navy. They were
2 constantly suspicious and jealous of each other and I
3 personally tried to smooth matters over as best I
4 could. The Army escorted its own convoys and except
5 for those military movements which necessitated the use
6 of the Navy in transporting Army troops the disunity
7 was quite amazing to me."

8
9 Signed, "Paul W. Weneker."

10 We call as our next witness, NOMURA, Naokuni.

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1 N A O K U N I N O M U R A , called as a witness
2 on behalf of the defense, being first duly
3 sworn, testified through Japanese inter-
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. ROBERTS:

7 Q Please state your name and address.

8 A My name is NOMURA, Nackuni; my address,
9 No. 1 Kitazawa, 2-chome, Setagaya, Tokyo.

10 Q May the witness be shown defense document
11 No. 1606. Please tell us if that is your sworn
12 affidavit, Mr. NOMURA? Is it true and correct?

13 A This is my affidavit.

14 Q Are the contents true and correct?

15 A Yes.

16 MR. ROBERTS: I offer in evidence defense
17 document No. 1606.

18 THE PRESIDENT: Mr. Tavenner.

19 MR. TAVENNER: If the Tribunal please,
20 objection is made to two matters in the Indictment
21 which relate to instructions or telegrams which are
22 not presented or the absence of which is not accounted
23 for.

24 THE MONITOR: Mr. Tavenner, this word "Indict-
25 ment" --

1 MR. TAVENNER: Of course, I meant affidavit.
2

3 I am sorry.

4 The first appears near the bottom of page 1,
5 beginning with the last sentence: "On my departure..."
6 and extends to the middle of page 2. It is a direct
7 quotation.

8 The second matter appears at the bottom of
9 page 3, beginning with the last sentence: "As a
10 response to my repeated inquiry..." and extends over
11 through the first three lines on page 4.

12 That is all.

13 MR. ROBERTS: The documents referred to
14 were the object of a search on our behalf, and we
15 have received a certificate just the day before yester-
16 day stating that the documents referred to had been
17 lost in the fires. The certificate has been lodged
18 with the clerk, and in view of the fact that we have
19 not had time to process it, I would like permission of
20 the Court to read the certificate and waive the
21 processing.

22 THE PRESIDENT: Tender the certificate.

23 MR. ROBERTS: I hereby tender the certificate,
24 which accounts for the lost documents.

25 THE PRESIDENT: Admitted on the usual terms.

I know that copies are not available, but

NOMURA

DIRECT

26,561

1 read the certificate. Do so after the recess.

2 We will recess for fifteen minutes.

3 (Whereupon, at 1045, a recess was
4 taken until 1100, after which the proceedings were resumed as follows:)

5 MR. NOMURA: Your Honor, we are officially
6 informed that the Japanese Government
7 has decided to withdraw from the Geneva
8 Conference. I would like to add that
9 the Japanese delegation has been informed
10 that the Japanese Government has
11 decided to withdraw from the Geneva
12 Conference. If your Honor wishes, we will be here for
13 the withdrawal. Personally, I am going to withdraw from
14 the Conference. The certificate is an order and you
15 have seen it, no doubt, and you know whether you are
16 going to object to it. You did not object.

17 MR. NOMURA: Of the tribunal papers, the
18 certificate has not been submitted to me and I have not
19 seen it, and I understand there to be no copy of it.

20 MR. NOMURA: It is open to inspection by
21 you. It is in the hands of the Clerk.

22 MR. NOMURA: I asked for a copy of the
23 document and I didn't understand that the Clerk had it
24 in his possession. May both sides have a copy.

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: The documents last tendered
4 should be marked.

5 MR. ROBERTS: Yes. I ask that the affidavit
6 be marked first.

7 MR. TAVENNER: If your Honor please, I had
8 understood that the certificate should be presented
9 first for examination before the document, the affidavit,
10 is admitted in its entirety.

11 THE PRESIDENT: If we are going to be stuck
12 up on all these sheer formalities, we will be here for
13 years. Personally, I am going to endeavor to reduce them,
14 to cut them out. The certificate is in court and you
15 have seen it, no doubt, and you know whether you are
16 going to object or not. You did not object.

17 MR. TAVENNER: If the Tribunal please, the
18 certificate has not been presented to me and I have not
19 seen it, and I understand there is no copy of it.

20 THE PRESIDENT: It is open to inspection by
21 you. It is in the hands of the Clerk.

22 MR. TAVENNER: I asked for a copy of it a
23 moment ago and I didn't understand that the Clerk had it.

24 THE PRESIDENT: Mark both documents.

25 CLERK OF THE COURT: Defense document 1606

1 will receive exhibit No. 3000. The Certificate of
2 Non-existence of Documents will receive exhibit No.
3 3000-A.

4 (Whereupon, the documents above re-
5 ferred to were marked defense exhibit Nos.
6 3000 and 3000-A, respectively, and received
7 in evidence.)

8 MR. ROBERTS: I shall read the certificate,
9 being exhibit No. 3000-A:

10 "I, YOSHII Michinori, am Archives Section
11 Chief, of the Demobilization Bureau II, of the Demobil-
12 ization Office, and a document custodian of the
13 Demobilization Bureau II.

14 "2. The originals, duplicates and copies of
15 the following telegrams do none of them exist in the
16 Demobilization Bureau II, the organization disposing of
17 the remaining business of the former Japanese Navy
18 Department.

19 "(1) the telegrams exchanged in 1941 between
20 Vice-Admiral NOMURA at Berlin and the Japanese Navy
21 concerning American-Japanese negotiations

22 "(2) the joint telegraphic instructions dis-
23 patched in January, 1942 by the Navy Minister and the
24 Naval General Staff Chief to Vice-Admiral NOMURA at
25 Berlin concerning the conclusion of the Military

1 Agreement effected in January, 1942

2 "(3) the telegrams exchanged between Vice-
3 Admiral NOMURA at Berlin, and the Navy Ministry and
4 the Naval General Staff since the March-April period
5 in 1942 concerning the intensifying of operations by
6 the Japanese Navy in the Indian Ocean area.

7 "3. Of the foregoing telegrams, the duplicates
8 of the outgoing telegrams and the originals of the in-
9 coming telegrams in Section(1) were in the custody of the
10 General Affairs Bureau of the Navy Ministry, or in the
11 Navy Minister's Secretariat; the duplicates of the
12 telegrams in Section(2) and the duplicates of the out-
13 going telegrams and the originals of the incoming
14 telegrams in Section (3) were in the custody either
15 of the General Affairs Bureau of the Navy Ministry, the
16 Navy Minister's Secretariat or of the 1st Department
17 of the Naval General Staff, and where there were no
18 originals or duplicates, there were found copies kept
19 in custody. The rule was that copies of telegrams
20 should all be kept for one year in the custody of the
21 Telegraph Section of the Navy Ministry.

22 "4. In the U.S. air-raids of May, 1945, con-
23 tinuing from mid-night of 25 to dawn of 26, the bulk
24 of the Navy Ministry building was destroyed by fire.

25 The Minister's Secretariat, the General Affairs Bureau

1 of the Navy Ministry, and the 1st Department of the
2 Naval General Staff and the office rooms of the
3 Telegraph Section were all reduced to ashes, when almost
4 all the documents kept in these places were lost.

5 "The originals, duplicates and copies now
6 missing are believed to have all been destroyed by fire
7 on this occasion.

8 "5. As for the originals and duplicates of the
9 above-mentioned telegrams kept in custody at the
10 Japanese Embassy at Berlin, we inquired of all the re-
11 turnees including former Admiral NOMURA, but none of
12 them possessed the copies obviously having destroyed
13 them by fire previously to the German capitulation.
14

15 "I avouch for the truth of the above statement
16 in every respect.
17

18 "Certified at Tokyo on this 19th day of August,
19 1947."

20 Additional certificate:
21

22 "I, who occupy the post of the Archives Section
23 Chief of the Foreign Affairs Ministry, hereby certify
24 that the telegram dispatched about March, 1943 by
25 Ambassador OSHIMA at Berlin concerning the transference
thereto are not among the documents in the custody of
the Foreign Affairs Ministry.

1 "Certified at Tokyo on this 19th day of August,
2 1947."

3 Additional certificate:

4 "I, Taniguchi Yasumaro, occupied from May,
5 1940 till May, 1945 the post of assistant Naval.Attache
6 to the Japanese Embassy at Berlin,, and was in charge
7 of the telegrams dispatched and received by those con-
8 cerned with the Navy and the custody of these documents.
9

10 "2. With air-raids on Berlin intensified
11 from about November 1943, we consigned to the fire some
12 of the important documents and telegrams on several
13 occasions, and in April, 1945, when Berlin fell in a
14 crisis, we destroyed the rest of them by fire for the
15 last time.

16 "3. The originals, duplicates and copies
17 of the telegrams mentioned below do none of them exist
18 as they were completely destroyed by fire on the above-
19 mentioned occasions.

20 "(1) the telegram exchanged in 1941 between
21 Vice-Admiral NOMURA at Berlin and the concerning the
22 America-Japan negotiations

23 "(2) the telegraphic instructions dispatched
24 in January, 1942 by the Naval General Staff Chief and
25 the Navy Minister to Vice-Admiral NOMURA concerning the
conclusion of the Military Agreement

NOMURA

26,567

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2 "(3) the telegrams exchanged between
3 Vice-Admiral NOMURA at Berlin, and the Japanese Naval
4 General Staff and the Navy Ministry since the March-
5 April period in 1942 concerning the intensifying of
6 operations by the Japanese Navy in the Indian Ocean
7 area.

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9 "I avouch for the truth of the above statement
in every respect.

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11 "Certified at Yokosuka on this 16th Day of
August, 1947."

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NOMURA

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I read exhibit No. 3000, the affidavit of
NOMURA, Naokuni:

"1. German-Japanese Military Cooperation
Before the Outbreak of the Pacific War.

"When the German-Italian-Japanese Tripartite Pact was concluded I was appointed military committee member of the Mixed Technical Commission which had been set up in accordance with Article 4 of the Pact, and in this capacity I left Tokyo for Germany in December, 1940. On my departure the Navy Minister's instructions were handed to me by TOYODA, Teijiro the Vice-Minister of the Navy. They read: 'The Tripartite Alliance Pact aims at precluding a war with the United States, and, by improving our diplomatic relation with that country, it is to give an impetus to an early settlement of the Sino-Japanese Conflict. Such being the case, the primary duty of the Military Commissioner is to pass correct judgment from the military viewpoint on the question of 'whether or not an act of offense has been launched upon one of the parties of the alliance' as provided in Article 3 of the Pact. In view of the fact that this pact is for an alliance for defensive purposes care must be taken to avoid immaturely reaching the decision that 'an act of offense has been committed' and thereby drawing this

NOMURA

DIRECT

26,570

1 Japanese Ambassador there. However, with regard to
2 problems concerning purely military operation, I
3 consulted directly with the military authorities con-
4 cerned, thus making them clearly distinct from politi-
5 cal matters. And even in the disposition of these
6 military matters, our military commissioners acted
7 merely as a liaison office between Tokyo and Berlin.
8

9 "The only work in which the military commis-
10 sioner had acted under explicit directions from Tokyo
11 concerned the conclusion of the Military Agreement
12 which was originated by the instruction of the central
13 authorities --" there is a correction there --"given
14 to him in January, 1942, i.e., immediately after the
15 outbreak of the Pacific War. No other direction was
16 given from Tokyo at all.

17 "During the period of the American-Japanese
18 diplomatic talks, not even information relative to
19 the above negotiation could be received by us from
20 our Central Office. (T.N. Japanese Government in
21 Tokyo.) Aroused by loud talks in the air as rever-
22 berated through papers of neutral states I referred
23 the matter to Tokyo more than once by telegraph, be-
24 cause of my great anxiety. As a response to my repeat-
25 ed inquiry, if I remember right, just a single answer
was received some time in July or August of 1941, to

NOMURA

DIRECT

26,571

1 the effect that the Japanese Government was conducting
2 negotiations with the United States in strict conform-
3 ity with the spirit of the Tripartite Alliance Pact
4 which aimed solely at the prevention of the American
5 participation in war and at the settlement of the Sino-
6 Japanese Conflict.

7 "2. Concerning the Military Agreement.
8
9 "On January 19, 1942, Showa 17, shortly after
10 the commencement of the Pacific War, the Military Agree-
11 ment was concluded by Germany, Italy and Japan. Because
12 this was purely a military accord among the Supreme
13 Commands of the three powers, the Japanese Ambassador
14 took no part in the agreement. According to the pro-
15 visions of the agreement, Japan was to destroy the
16 enemy in the Pacific Ocean and the Indian Ocean east
17 of Longitude 70 degrees east, and Germany and Italy
18 were to destroy the enemy in the Atlantic Ocean, the
19 Mediterranean Sea, and the Indian Ocean west of Longi-
20 tude 70 degrees east. The basic idea of this accord
21 was that the best coordinated operational result might
22 be expected through independent activities of each
23 navy in its respective designated area. Therefore
24 each navy conducted its operations entirely under its
25 own plans and abilities, apart from those of the
colleague powers; and no special mutual talks were

NOMURA

DIRECT

26,572

1 held for the coordination of the operational activities
2 of the three. Though, of course, as will be mentioned
3 later, there were several occasions when one party or
4 another made proposals regarding a partner's methods
5 of operation, as is naturally the case with a wartime
6 alliance, these proposals were nothing but the expres-
7 sion of the desire of the party so proposing, all de-
8 ciding authority over the actual conduct of the oper-
9 ations being always reserved by the party responsible
10 for the operations.

11 "3. Military Cooperation, including Sub-
12 marine Warfare, after the Outbreak of the Pacific War.
13

14 "Based on the information that around March
15 or April, 1942 the United States had commenced trans-
16 portation activities on a large scale to the North
17 African theatre via the Cape of Good Hope, the navies
18 of Germany and Italy made repeated proposals to the
19 effect that they were desirous of seeing the Japanese
20 Navy intensify its activities in the Indian Ocean in-
21 cluding offensive action against the American trans-
22 portation activities and re-enforce its forces strongly
23 in this theatre. In this proposal, their desire was
24 for a powerful re-enforcement of the Japanese fleet
25 in this theatre with strong surface vessels as the
main strength rather than a mere encouragement of the

NOMURA

DIRECT

26,573

submarine campaign as heretofore conducted by the
1 Japanese Navy.

2 "Whenever these proposals were made I tried
3 to persuade the German authorities on the basis of
4 directions from Tokyo that the Japanese fleet were
5 too fully occupied with the operations in other theaters
6 to divert much of its strength to the Indian Ocean.
7 Nevertheless the same proposal was repeated again and
8 again with the increase of difficulty in maintaining
9 the German military position in North Africa. In some
10 cases they expressed their desire to have Japan at
11 least strengthen the submarine forces in the Indian
12 Ocean to a great extent. As a reply to this sort of
13 proposals I always explained to them assiduously that
14 the Japanese submarines were being employed for the
15 most part in operations of main fleet and that in view
16 of the smallness of their number the dispersion of more
17 submarines to the Indian theater on the part of Japan
18 was very difficult.

19
20 "although I do not know what the German naval
21 authorities expected of Japan in connection with Hitler's
22 offer to Ambassador OSHIMA of the donation of two German
23 submarines to Japan, but from what had been explained to
24 us, it originated entirely in Hitler's own mind and was
25 utterly unconditional. In return for this offer no

NOMURA

DIRECT

26,574

1 request was made for more intensified submarine war-
2 fare on the part of Japan. The following are the
3 Fuhrer's words as told my by Ambassador OSHIMA:
4 'Lately the German submarines have been strikingly
5 improved in their maneuverability and especially,
6 underwater capacity. Hoping the Japanese Navy will
7 be benefited in her submarine construction, I wish to
8 donate two of the new German submarines to Japan at
9 this time.' These words by the Fuhrer were carried
10 in the Ambassador's telegram addressed to Japan at
11 that time; and a message from Tokyo in response to
12 this telegram explicitly stated that Japan would accept
13 with gratitude this Hitler's offer. Further, in the
14 telegram I received from Tokyo in those days in con-
15 nection with the bringing of these submarines to Japan,
16 no allusion was made to such a subject as the encourage-
17 ment of the submarine warfare; the naval authorities
18 in Tokyo simply instructed me by telegram that, as the
19 primary objective of bringing the German submarines to
20 Japan lay in the contributory effect of these new sub-
21 marines upon Japanese submarine-building technique
22 three German submarine technicians should be brought
23 to Japan with submarines. In short, as far as the
24 Japanese Navy and I myself were concerned, it was under-
25 stood that the submarine offer was made solely along the

NOMURA

DIRECT

26,575

line of the above mentioned words of Hitler and that
no intensified activities of submarine warfare on our
part was entailed condition in this offer, not to
mention our acceptance of such request.

"One of these two submarines was lost on the
way to Japan, and only one safely reached her desti-
nation. However such a difficult problem as the im-
provement of our submarine construction technique
could not be solved in a short period. During the
course of time, on the other hand, an opinion became
prevalent, pressed by the need from the forces on the
front, that this type of submarine was its inferior
underwater speed would not meet our purpose and that
an entirely new idea was instead needed in our sub-
marine construction. Such being the case, these sub-
marines brought about after all no practical benefit
to Japanese submarine operations.

"About such a policy as annihilating the
crew-members of enemy vessels sunk by submarines,
nothing was ever suggested to us by the Germans. I
never heard of such a suggestion either from Ambassador
OSHIMA or from anyone else. On the occasion of the
London Disarmament Conference which I attended as a
member of the Japanese delegation, I myself personally
participated in the discussion of the problem of how

NOMURA

DIRECT

26,576

1 crew-members should be treated when their ships had
2 been sunk by a submarine. Accordingly, if I ever had
3 heard talk of this kind, it would surely have remained
4 in my memory. I have no memory of such talk. Of
5 course no telegram was dispatched by me to our author-
6 ities in Tokyo regarding such subject."

7 Signed: "On this 10 day of April, 1947."

8 You may cross-examine.

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1 THE PRESIDENT: Counsel SHIMANOUCHI.

2 MR. SHIMANOUCHI: I wish to make direct
3 examination on behalf of the defendant OSHIMA.

4 DIRECT EXAMINATION (Continued)

5 BY MR. SHIMANOUCHI:

6 Q Were the negotiations between OSHIMA and
7 Ribbentrop concerning the donation of submarines to
8 Japan from Germany?

9 A Yes.

10 Q When did this occur?

11 A That was in the beginning of March, 1942.

12 I would like to correct myself. The first
13 part of March, 1943.

14 THE INTERPRETER: Before that the counsel
15 said "You said 1942."

16 Q In your affidavit you state that in March, 1943
17 Hitler offered to donate submarines -- Hitler spoke to
18 OSHIMA and offered a donation of German submarines.
19 What connections were there with Hitler's offer and the
20 negotiations between Ribbentrop and OSHIMA?

21 A I shall speak from my recollection of that
22 matter.

23 Ambassador OSHIMA called on Mr. Hitler, and,
24 among other things, during this conversation Hitler made
25 the statement which I have quoted in my affidavit, and

NOMURA

DIRECT

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I think the meeting took place in the latter part of

1 February, somewhere around the 26th, 27th, or 28th.

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Q Thank you. This was 1943?

1 A Yes. I heard from Ambassador OSHIMA of the
2 talk he had had with Hitler, and the Ambassador tele-
3 graphed the contents of that talk to Tokyo, and at the
4 end of the telegram there was a request that this mat-
5 ter also be notified to the Minister of the Navy. I
6 think it was about four or five days after the telegram
7 had been sent by the Ambassador to Tokyo, that is to
8 say, around the 5th or 6th of March, I received a
9 telegram from the Minister of the Navy. The telegram
10 said that the Japanese Navy would accept the offer of
11 Hitler with gratitude and requested that OSHIMA be
12 asked to convey those thanks to the Fuehrer. And
13 furthermore, the telegram included instructions to me
14 to negotiate with the German Naval authorities with
15 regard to the navigation of the submarines. Accord-
16 ing to my recollection Hitler was not in Berlin at
17 that time, and so Ambassador OSHIMA called on the
18 Foreign Minister, Ribbentrop, and asked him to convey
19 the thanks of the Japanese Navy to him. According to
20 my recollection this question arose between Ribbentrop
21 and OSHIMA for the first time on this occasion.

22 Q Have you ever heard the contents of the nego-
23 tiations between Ribbentrop and OSHIMA on this matter?

24 A Yes.

1 Q Do you have any recollection of whether in the
2 negotiations - the conversations - between Ribbentrop and
3 OSHIMA, anything was said about the annihilation of
4 the crews of any merchantmen that were sunk?

5 A There was no such talk between them.

6 Q While you were in Germany did you ever hear
7 that the German Navy had, for example, machine-gunned
8 the survivors of sunken enemy merchant vessels?

9 A I have no recollection as to ever having
10 heard of that.

11 Q Were you connected with the navigation of these
12 two German submarines to Japan?

13 A Yes.

14 Q In what connection?

15 A As I had received instructions to return to
16 Japan on one of the submarines, I did so.

17 Q Did you sink any enemy merchantmen during the
18 cruise.

19 A Yes.

20 Q By whom was this submarine commanded, and who
21 was responsible for the navigation?

22 A The submarine was under the command of German
23 officers and was operated by German officers and crew.

24 Q Were there any other passengers besides you on
25 board the submarine?

NOMURA

DIRECT

26,581

A I and SUGITA, Commander SUGITA, of the Naval
1 Medical Corps.

2 Q After torpedoing this enemy merchantman, what
3 happened to the survivors?

4 A Nothing was done.

5 Q In your affidavit you have testified to German-
6 Japanese cooperation in the Pacific war. From February
7 through May of 1941 did OSHIMA discuss with the German
8 authorities the problem of attacking Singapore or Hong
9 Kong. Did you hear of this or not? If you know, will
10 you please so state?

11 A I have never heard of it.

12 Q From February through May 1941 did OSHIMA have
13 further talks regarding attacks on Singapore and Hong
14 Kong with the Navy Ministry in Tokyo and do you know
15 whether OSHIMA made such recommendations to the Tokyo
16 Foreign Office or Naval Ministry?

17 A I have never heard of it.

18 Q I should like you to state what the practice
19 or customs were at that time in the Japanese Embassy
20 in Berlin. In the event that Ambassador OSHIMA in Berlin
21 would communicate military matters to Tokyo, such as,
22 for instance, the attack on Singapore or HongKong, what
23 procedure did he take with the Ambassador and the Navy?

24 A The Ambassador addressed his telegrams to the

NOMURA

DIRECT

26,582

1 Foreign Minister, and when anything in his telegrams
2 involved questions of a military nature he would always
3 have at the end of his message a request that the matter
4 be communicated to the Navy Ministry or to the High
5 Command.

6 Q What method did OSHIMA take with regard to
7 the Japanese Naval Attaché in Berlin, for example, you?

8 A He always showed me any telegrams he had sent
9 which had included military subjects.

10 Q Then do you say that you have never seen any
11 telegrams sent by OSHIMA in which he discussed attacks
12 on Singapore or Hong Kong?

13 A I have no recollection whatsoever of ever hav-
14 ing seen such a telegram.

15 Q Have you ever heard that the Naval Attaché's
16 office in Berlin had received a copy of such a telegram?

17 A Of course the Naval Attaché's office has never
18 received it.

19 Q Did the Japanese Ambassador in Berlin communi-
20 cate directly with the Naval Ministry in Tokyo? Was
21 there any such occasion?

22 A Yes.

23 MR. SHIMANOUCHI: You may examine.

24 THE PRESIDENT: What is your Army or Navy rank,
25 if you have any, or what was it?

1 THE WITNESS: Well, in Berlin I was a Vice-
2 Admiral.

3 BY MR. SHIMANOUCHI:

4 Q After your return to Japan did you ever become
5 Naval Minister?

6 A Yes.

7 MR. SHIMANOUCHI: That is all, sir.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If the Tribunal please, I would
10 like at this time to renew my motion as to the exclus-
11 ion of the quotation beginning at the bottom of page 1,
12 in that it is not covered or referred to in the certif-
13 icate that was read; in other words, I ask that the
14 paragraph be struck from the affidavit.

15 THE PRESIDENT: Mr. Roberts.

16 MR. ROBERTS: Insofar as the certificate is
17 concerned, it states that all copies of documents were
18 destroyed in the fire; and so far as these particular
19 instructions are concerned, we can ask this witness if
20 he knows they are available. I think that perhaps doing
21 that may clear up these questions that are referred to.

22 THE PRESIDENT: Ask him. You have permission
23 to ask.

24 MR. ROBERTS: Mr. NOMURA, in your affidavit you
25 refer to certain instructions handed to you by TOYODA,

1 THE WITNESS: Well, in Berlin I was a Vice-
2 Admiral.

3 BY MR. SHIMANOUCHI:

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5 Naval Minister?

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17 concerned, it states that all copies of documents were
18 destroyed in the fire; and so far as these particular
19 instructions are concerned, we can ask this witness if
20 he knows they are available. I think that perhaps doing
21 that may clear up these questions that are referred to.

22 THE PRESIDENT: Ask him. You have permission
23 to ask.

24 MR. ROBERTS: Mr. NOMURA, in your affidavit you
25 refer to certain instructions handed to you by TOYODA,

1 the Vice-Minister of the Navy, when you departed for
2 Berlin. Do you know where the original instructions
3 may have been filed?

4 THE WITNESS: The instruction was not in writ-
5 ing; it was given to me orally.

6 THE PRESIDENT: Why do you say they were read
7 to you?

8 MR. ROBERTS: When you say in your affidavit
9 "they read", do you mean from writing?

10 MR. TAVENNER: If your Honor please, I object
11 to the leading question.

12 THE PRESIDENT: It is obviously leading. The
13 objection is upheld.

14 THE PRESIDENT: How do you justify that express-
15 ion in your affidavit, "they read", if they were not in
16 writing? The translation may be at fault. We don't
17 know.

18 THE MONITOR: Mr. President, the Japanese text
19 does not use the word.

20 MR. ROBERTS: It is a matter of translation,
21 if the Court please, and this particular phrase should
22 be referred for review.

23 THE PRESIDENT: My attention is drawn to the
24 fact that before that he says in his affidavit that the
25 Minister's instructions were read to him. I think we

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ought to invoke Major Moore's assistance.

2 MR. ROBERTS: Yes. I ask that that be referred
3 to Major Moore.

4 THE WITNESS: I stated that I received the
5 instructions orally. I stated in my affidavit that the
6 instructions were -- it may have carried a different
7 meaning, but I used the words that "it was transmitted
8 to me."

9 THE PRESIDENT: Well, we will leave that for
10 another time.

11 Cross-examine -

CROSS-EXAMINATION

14 BY MR. TAVENER:

15 Q On page 4, Section 2 of your affidavit, you
16 refer to the general subject of the military agreement,
17 the military agreement of January 18, 1942. When did
18 the negotiations for that agreement begin?

19 A I have no definite recollection of date, but
20 it was one or two days after I received the first report
21 of the opening of hostilities on the 8th of December that
22 negotiations were begun, upon receiving a telegram.

Q What preliminary talks had been entered into prior to the breaking out of war, that is, prior to the attack by Japan on Pearl Harbor?

1. A Before that no telegrams whatsoever were re-
2 ceived in connection with such a matter as this?

3 Q I did not ask you that. I asked you what
4 preliminary talks.

5 A There were no preliminary talks.

6 Q From whom did you receive a telegram to start
7 negotiations for this agreement?

8 A The telegrams were addressed to me, NOMURA,
9 and Lieutenant-General BANZAI, my Military Attaché, from
10 the Minister of the Navy, the Minister of War, the Chief
11 of the Army General Staff and Chief of the Navy General
12 Staff. The instruction was signed jointly by the four
13 Naval and Army heads.

14 Q What was the date that was received?

15 A I don't remember, but it was one or two days
16 after the opening of hostilities.

17 Q Was Ambassador OSHIMA consulted in regard to
18 this matter?

19 Q Other than the fact that Ambassador OSHIMA made
20 contacts for the opening of the negotiations, he did
21 nothing, as the negotiations were to be conducted by
22 me, as Naval Attaché, and Lieutenant-General BANZAI,
23 with the German Military and Naval authorities, as per
24 instructions in the telegram.

25 Q I believe you stated a few moments ago that

1 Ambassador OSHIMA kept the Navy and Military informed
2 about matters relating to Navy and Military matters,
3 and that you saw copies of the telegrams or other
4 messages relating to such matters at the time they
5 were sent. Is that true?

6 A Yes, I have seen them.

7 Q Then did you see the telegram from Ambassador
8 OSHIMA, in which he threatened to resign in the event
9 his views regarding the proposed military pact in 1939
10 were not carried out?

11 THE PRESIDENT: We will recess until 1:30.

12 (Whereupon, at 1200, a recess was
13 taken until 1350, after which the proceed-
14 ings were resumed as follows:)

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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.
MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Tavenner.

NAOKUNI NOMURA, resumed the stand and
testified through Japanese interpreters as follows:

CROSS-EXAMINATION

THE INTERPRETER: The last question propounded
by Mr. Tavenner was not translated into Japanese. It
will now be given.

THE MONITOR: May we have the English? May
we have the question by Mr. Tavenner before noon in
English first?

MR. TAVENNER: Yes.

THE PRESIDENT: English reporter.

MR. TAVENNER: I have just taken it from the
reporter.

(Whereupon, the last question was
read by the official court reporter as follows:

"Q. Well, did you see the telegram
from Ambassador OSHIMA in which he threatened
to resign in the event his views regarding the
proposed military pact in 1939 were not carried

out?"

1 BY MR. TAVENNER (Continued):
2

3 Q I realize that you were not in Germany at
4 that time according to your affidavit but, nevertheless,
5 did you know of that telegram?

6 A I have never seen such a telegram.

7 Q Were there occasions when Ambassador OSHIMA
8 communicated directly with the Naval Chief of Staff
9 or the Army Chief of Staff?

10 A No.

11 MR. TAVENNER: At this time I think Major
12 Moore is ready to make a report to the Tribunal.

13 THE PRESIDENT: Major Moore.

14 LANGUAGE ARBITER (Major Moore): If the
15 Tribunal please, in paragraph 1, line 8, the word
16 "given" should be substituted for the word "handed."
17 "Instructions were given to me."

18 The next line, "they read," should be read
19 "they were."

20 THE PRESIDENT: Mr. Tavenner.

21 Q Admiral NOMURA, if it is true then that the
22 instructions were given to you verbally, your recital
23 of them in the affidavit was purely from memory and
24 was not a quotation from anything in writing, is that
25 true?

1 A I wrote it from memory.

2 MR. TAVENNER: I will now consider matters
3 relating to submarine warfare that appears on page
4 5 of your affidavit.

5 THE PRESIDENT: Did you say, Witness, that
6 the German submarine that brought you to Japan ter-
7pedoed merchant ships on the way out?

8 THE WITNESS: Yes, I did.

9 THE PRESIDENT: Whereabouts?

10 THE WITNESS: I think it was about five to
11 six hundred miles east of Madagascar off the coast
12 of Africa.

13 THE PRESIDENT: Mr. Tavenner.

14 Q What was the name of the ship that you
15 torpedoed?

16 A It was a German submarine, U-71.

17 Q I said, what was the name of the ship which
18 was torpedoed by the German submarine on which you
19 were traveling.

20 A I do not remember the name of that ship.

21 Q Were there any survivors?

22 A The survivors had taken three -- were on
23 three or four lifeboats.

24 Q How many other enemy or neutral ships were
25 attacked on that voyage?

1 A There was one night attack carried out in
2 the Indian Ocean.

3 Q With what results?

4 A The result was that the attack was carried
5 out in pitch dark and following an explosion the ship
6 sunk. Nothing remained thereafter.

7 Q So there were two ships sunk as a result of
8 the attacks by this submarine?

9 A Yes.

10 Q What other attacks were made, whether success-
11 ful or unsuccessful?

12 A No attacks except in connection with these
13 two ships; no other attacks were carried out.

14 Q What was the source of the information that
15 you received as to the location of the ships attacked?

16 A From what I heard it was just accidentally
17 meeting with these ships during the trip, the voyage.

18 Q Were you in contact with Japanese submarines
19 in the Indian Ocean on this voyage?

20 A There was absolutely no contact.

21 Q What uniform were you wearing at the time?

22 A I was only a passenger wearing a civilian suit.

23 Q How many technical men of the German navy were
24 on board this ship for service in Japan?

25 A There were three. They were not naval

1 technical men.

2 Q Did the crew of the submarine remain in Japan?

3 A Yes, they remained for some time but some of
4 them returned to Germany little by little while others
5 went to work under German attaches in the South.

6 Q Tell us about the second submarine which
7 was given by Hitler to Japan.

8 A With regard to the second submarine the
9 Japanese side received from Germany, the crew for
10 receipt of the ship, but the ship was sunk while en
11 route from Germany to Japan.

12 MR. TAVERNER: I could not understand the
13 answer. Would you read it again?

14 (Whereupon, the last answer was
15 read by the official court reporter.)

16 THE INTERPRETER: Correction: With regard
17 to the second submarine, Japan sent a crew to take
18 over the submarine but the submarine was sunk while
19 en route from Germany to Japan.

20 Q What size crew did Japan send to Germany?

21 A I do not remember exactly but I think it was
22 around thirty men.

23 Q And did they train in Germany regarding the
24 secrets of submarine warfare before attempting to bring
25 back the submarine?

NOMURA

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1 A They were not trained in any secrets of
2 submarine warfare. They were merely trained for a number
3 of days on how to operate the submarine.

4 Q I will ask if you made a careful inspection
5 of the submarine nests along the Belgium coasts and
6 elsewhere?

7 A I was shown some submarine bases, fortifica-
8 tions and air bases.
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1 Q Did you board a submarine prior to -- a
2 German submarine prior to your trip to Japan?

3 A No.

4 Q What was the nationality of the ship which
5 was sunk on your trip to Japan?

6 A I think it was American if I am not mistaken.

7 Q On page 5 of your affidavit you show that a
8 German request for strengthening of submarine warfare
9 in the Indian Ocean was made. Is it not true that the
10 Japanese Navy sent Japanese U-boats into the Indian
11 Ocean to prey upon Allied commerce?

12 A Germany frequently expressed the desire that
13 the Japanese increase its personnel, give more impor-
14 tance to actions in the Indian Ocean, and for that
15 purpose reinforce its personnel.

16 Q At the time was Japan engaged in submarine
17 warfare in the Indian Ocean?

18 A Up to the time I returned, only two converted
19 cruisers and four or five submarines were active in
20 that area.

21 Q When did the four or five submarines become
22 active in that area?

23 A According to my recollection from about May 1942.

24 Q Was the number of the U-boats increased just
25 prior to your return to Japan?

A Do you mean Japanese submarines?

Q Yes.

A Japanese submarines were not increased over that number.

Q That was not my question. You stated that four or five submarines had been assigned to the Indian Ocean from May 1942. I asked you if any additional number were sent to the Indian Ocean just prior to your return?

A There were constantly about four or five submarines assigned to that area and they were replaced frequently. I don't know which ships were replaced when, and, therefore, I do not know.

Q I am not speaking of the replacement of ships. Were any additional number assigned to the Indian Ocean in response to German demands and your own estimate of the needs of the situation?

A No increase was made over and above the four or five submarines I mentioned.

Q In April of 1943, was not the policy of the Japanese Navy changed with regard to the use of submarines in attack upon enemy shipping or tonnage?

A I do not know, because I have never received any telegrams to the effect that there was any change of policy in the employment of Japanese submarines.

Q Let me see if I can refresh your recollection.

1 Do you recall a conversation in Germany on the 18th
2 of April, 1943, with the Reich Foreign Minister at
3 the time you told him good-bye?

4 A Do you mean when I was to return to Japan
5 on the submarine?

6 Q Yes, just prior to that.

7 A Yes, I met him prior to my departure.

8 Q Do you recall that Ribbentrop explained to
9 you at the time the views of the Fuehrer regarding
10 big battleships and their vulnerability, and that a
11 big U-boat arm was the best protection for Japan and
12 the surest means of winning the war quickly, to which
13 you replied that it was just this change of policy
14 which was needed by the Japanese Navy which up to
15 now had concentrated only on sinking as many enemy
16 battleships as possible? Do you recall that?

17 A While in Berlin, I, as a Japanese admiral,
18 had always been concerned with comparison in the
19 naval war strength between ourselves and the opposition.
20 That has been the old tradition in the Japanese Navy.
21 And I recall as having said frequently that it was
22 the mission of the submarine, the purpose of the sub-
23 marine, to attack and sink battleships, or as many
24 battleships as possible.

25 Q On the contrary, did you not on this occasion

1 say that now the Japanese Navy will order all fighting
2 forces, cruisers, torpedo-carrying aircraft, and the
3 U-boat arm to wipe out the enemy tonnage?

4 A I have no recollection as ever having said
5 that.

6 Q And didn't you also say that it was your
7 conviction that tonnage war was the most important,
8 and that the Americans had first of all to send their
9 troops all over the seas of the world in order to
10 be able to use them in battle anywhere; this was
11 Germany's and Japan's great advantage?

12 A It has always been the conviction of the
13 Japanese Navy that victory or defeat was to be deter-
14 mined by a battle between fleets. However, I have
15 never overlooked the importance of tonnage warfare
16 during the last war.

17 Q And did you not state in this connection,
18 in reference to the Japanese Navy, that "they have
19 already sunk over 100,000 tons in half a month;
20 recently a number of U-boats again left for opera-
21 tions outside the Persian Gulf"?

22 A At that time I did not receive any clear or
23 definite reports from Tokyo with respect to the
24 tonnage sunk by Japanese, but I heard from the radio.
25 and from the commander of a Japanese submarine which

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1 visited Germany about that time as to the approxi-
2 mate amount of tonnage sunk by the Japanese. I may
3 have referred to the question of tonnage, but I do not
4 have any recollection of having stated anything to
5 the effect of many Japanese submarines being sent to
6 the Persian Gulf.

Q And is it not a fact that a huge plan had been evolved to carry on extensive submarine warfare in the Indian Ocean on the part of Japanese submarines?

A With reference to the frequent expression of desires from the German side to intensify their activities and to reinforce their activities in the Indian Ocean, I recall that toward the end of 1942, in November if I recall correctly, a telegram was received by me from Tokyo that it was the intention of Japan to do whatever was possible to reinforce its personnel in the Indian Ocean area.

Q Did you discuss that matter with Admiral Fricke and General Jodl of the German Naval Command?

A No, I did not have any conference or talk with them. I merely transmitted the message that was received from Tokyo to these two men.

Q On the occasion of your departure did you thank Ribbentrop for the deep understanding and constant assistance which he had given the Japanese

naval questions?

A Yes, I expressed thanks for the offer of these two submarines.

Q Was Ambassador OSHIMA present during your conference with Ribbentrop?

A In my recollection, Ambassador OSHIMA was not present on that occasion.

MR. TAVENNER: Will you repeat that answer?

THE PRESIDENT: He does not recollect OSHIMA being present.

MR. TAVENNER: That is all, if the Tribunal
please.

THE PRESIDENT: Counsel SAMMONS.

MR. SHIMANOUCHI: I am SHIMANOUCHI.

REDIRECT EXAMINATION

BY MR. SHIMANOUCHI:

Q During the cross-examination by Mr. Prosecutor, referring to the question of the military alliance between Japan and Germany after the outbreak of the Japanese-American war, Mr. Witness, you stated that you asked Ambassador OSHIMA to contact the German authorities concerning this matter -- German military authorities. Why did you request OSHIMA to contact the German authorities when you, NOMURA, and BANZAI had your instructions from the army and navy?

1 A Inasmuch as I, NOMURA, and BANZAI got
2 direct instructions from our authorities in Tokyo,
3 we thought of opening negotiations with the German
4 military authorities in accordance with our instruc-
5 tions. However, so far as the German side was con-
6 cerned, it was desired by them and it was a custom
7 for all matters relative to diplomacy to be con-
8 ducted through the Japanese Ambassador -- through
9 the German Foreign Ministry. Upon receipt of our
10 telegraphic instructions we reported the matter to
11 Ambassador OSHIMA and asked him to see the Foreign
12 Ministry officials to make arrangements so that we
13 may commence with the negotiations.

14 Q In effect, do you mean to say that because
15 of the German system unless it was done through
16 Ambassador OSHIMA you could not contact the German
17 authorities, and that is why you asked Ambassador
18 OSHIMA? Is that what you said, is that what you meant?

19 A We thought that was the proper respect to
20 pay to the foreign country to which you were assigned.

21 MR. SHIMANOUCHI: This concludes my redirect
22 examination, but there are two points on which I wish
23 to call the Court's attention. The points I raise
24 concern translation.

I asked the witness whether the German

1 submarine on which he was aboard sunk any ships,
2 any merchant ships, to which the witness answered
3 "yes." After the noon recess my attention was
4 called to the fact that the translation of this
5 question and answer was given as follows: That I
6 had asked the witness whether the German submarine
7 on which he was aboard had sunk merchant vessels and
8 had killed the survivors, to which the answer was
9 given as yes. If it was so translated then the
10 translation was an error.

11 Another point I wish to raise is that
12 during my direct examination the witness said that
13 OSHIMA had been in direct communication with the
14 Japanese Navy, but OSHIMA has informed me that that
15 was in a sense a misunderstanding on the part of the
16 witness.
17

18 THE PRESIDENT: You cannot do that here.

19 Mr. Tavenner.

20 MR. TAVENNER: Objection, if the Tribunal
21 please.

22 THE PRESIDENT: Objection upheld.

23 The other matter will be referred to the
24 translation section.

25 MR. TAVENNER: If the Tribunal please, I
omitted to ask one question I intended to ask. May I

THE PRESIDENT: Subject to further re-examination, yet.

RECROSS-EXAMINATION

5 | BY MR. TAVENNER:

Q Admiral NOMURA, were you decorated by Hitler?

8 MR. ROBERTS: I object, if your Honor
9 please. It is immaterial and irrelevant. This man is
10 not on trial here.

11 THE PRESIDENT: It goes to possible bias.
12 The objection is overruled.

15 Answer the question, Witness. Please answer it.

Λ Yes.

Q Was it in connection with your trip across
the Indian Ocean in the submarine?

18 A I received the decoration without any reason
or explanation thereof.

MR. TAVENNER: That is all.

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2 THE PRESIDENT: Subject to further re-
3 examination, yet.

RECROSS-EXAMINATION

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14 A Yes.

Q Was it in connection with your trip across
the Indian Ocean in the submarine?

18 A I received the decoration without any reason or explanation thereof.

MR. TAVENNER: That is all.

1 THE PRESIDENT: Mr. SHIMANOUCHI.

2 REDIRECT EXAMINATION

3 MR. SHIMANOUCHI: The answer given to me
4 and the answer given to Mr. Tavenner to the same
5 question was different. To me the witness replied
6 that Ambassador OSHIMA had communicated directly
7 with the Navy Minister. To Mr. Tavenner the wit-
8 ness' reply was "No."

9 THE PRESIDENT: You cannot correct him.

10 MR. SHIMANOUCHI: Thank you.

11 THE PRESIDENT: It only goes to his
12 credibility.

13 BY MR. SHIMANOUCHI:

14 Q Which is correct?

15 A The Ambassador has never directly tele-
16 graphed any messages to the War Minister or the Navy
17 Minister. If I said "Yes" to the question put to
18 me by Counsel SHIMANOUCHI, that was a misapprehension
19 on my part. I said "Yes" because I was under the
20 impression that the question was, "Did you, NOMURA,
21 communicate directly with the Navy Minister?"

22 MR. SHIMANOUCHI: Thank you.

23 THE PRESIDENT: Mr. Roberts.

24 MR. ROBERTS: May the witness be excused on
25 the usual terms?

1 THE PRESIDENT: He is excused on the usual
2 terms.

3 (Whereupon, the witness was excused.)

4 MR. ROBERTS: At this time we offer in
5 evidence defense document No. 2115, which is for the
6 purpose of producing a statement from the Nuremberg
7 decision which we have been unable to obtain other-
8 wise.

9 THE PRESIDENT: Mr. Tavenner.

10 MR. TAVENNER: If the Tribunal please,
11 objection is made to the introduction of this docu-
12 ment because it is not responsive to any charge in
13 the Indictment, and therefore is irrelevant and
14 immaterial to any issues. Even if that were not
15 true, we take it this would not be a proper manner
16 or method of introduction of it.

17 THE PRESIDENT: That is a decision on the
18 facts before that particular court.

19 MR. ROBERTS: Yes.

20 THE PRESIDENT: Where the parties were
21 different and the issues were different, and it cer-
22 tainly cannot be received here. The judgment of the
23 Nuremberg Court on the law will be received with the
24 greatest respect and given all the weight that is
25 due it, but their findings of fact on evidence not

1 before us and on issues not before us, is beside
2 the point.

3 MR. ROBERTS: We wish merely to refer to
4 the statement in this excerpt concerning proof sub-
5 mitted by Admiral Nimitz about the unrestricted
6 warfare.

7 THE PRESIDENT: If they are relevant and
8 material there is another way of proving them.

9 MR. ROBERTS: As to --

10 MR. TAVENNER: May I be permitted to inter-
11 rupt?

12 THE PRESIDENT: Not until Mr. Roberts has
13 finished.

14 MR. ROBERTS: As to the relevancy, there is
15 a charge that the Japanese Navy carried on its un-
16 restricted warfare in destroying survivors of ships
17 that were sunk by submarine, and we have attempted
18 to secure this information directly from Admiral
19 Nimitz as it was secured for use in Nuremberg, but
20 in my trip to Washington several weeks ago I was
21 unable to directly contact Admiral Nimitz for that
22 purpose. I also inquired at the Navy Department at
23 Washington and requested a copy of the interrogatories
24 referred to here, and was informed that the Navy
25 Department had no copies of those interrogatories.

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21 unable to directly contact Admiral Nimitz for that
22 purpose. I also inquired at the Navy Department at
23 Washington and requested a copy of the interrogatories
24 referred to here, and was informed that the Navy
25 Department had no copies of those interrogatories.

1 THE PRESIDENT: Even so, it appears to have
2 been used only by way of mitigation of a sentence on
3 a German admiral, not on any issue of guilt or
4 innocence.

5 MR. ROBERTS: In any case, we would like
6 this Court to take judicial notice of that decision
7 and that this fact was an admitted and proven fact
8 as part of that decision -- that the United States
9 carried on unrestricted warfare in the Pacific Ocean.
10 It may be used by us in exactly the same manner,
11 in mitigation.

12 THE PRESIDENT: Mr. Tavenner, I understand
13 you want to be heard.

14 MR. TAVENNER: Unrestricted warfare, if the
15 Tribunal please, as used in this document, is cer-
16 tainly a different matter from any charge in this
17 indictment.

18 THE PRESIDENT: We would have to see the
19 answers to understand what the Admiral meant.
20

21 MR. TAVENNER: But I felt I could not let
22 that statement go unchallenged.

23 MR. ROBERTS: We refer the Court to page
24 140 of the judgment of the Court in Nuremberg for
25 the statement that I just quoted.

 THE PRESIDENT: The objection is sustained.

1 and the document rejected, but it is open to you to
2 prove in the proper way, so far as relevant and
3 material, the nature of the submarine warfare, if
4 any, conducted by the American Navy in the Pacific.

5 MR. ROBERTS: We next offer in evidence
6 defense document No. 1942, being an order from the
7 Chief of the Navy General Staff.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If the Tribunal please --

10 THE PRESIDENT: We have not seen this
11 document. I should like the Judges to see it be-
12 fore we hear any argument about it.

13 MR. TAVENNER: If the Tribunal please, my
14 associate, Mr. Carr, raised to some considerable
15 length yesterday the question of the abuse of the
16 rules of the Tribunal with regard to compliance with
17 Rule 6-b(1) and requested the production of certain
18 documents that he was then concerned with.

19 This is an identical situation in which
20 no effort has been made to comply with the rule of
21 the Tribunal. This appears to consist of a copy of
22 three pages from some document in the second
23 demobilization section with no opportunity having
24 been given to examine the document as a whole for
25 the purpose of determining what the attached

1 directive may be that is mentioned at the end of the
2 document, or what directive Nos. 14, 15 and 28 may
3 refer to. It is an excerpt which we feel should be
4 checked, and we view somewhat with alarm the number
5 of documents that are being presented and in which
6 in many instances we waived the rule.

7 THE PRESIDENT: I notice this is dated
8 the 1st of March 1942. I do not recollect any
9 evidence of the prosecution directed to the un-
10 restricted submarine warfare as of that date, or
11 earlier.

12 MR. TAVENNER: This document was served
13 only yesterday, during the course of the work here,
14 and frankly, I had not considered the document very
15 fully on its merits in view of the fact that the
16 rule had not been complied with.

17 THE PRESIDENT: Mr. Roberts, do you admit
18 the rules have not been complied with?

19 MR. ROBERTS: There is a certificate at-
20 tached as to the authenticity of the document, as
21 being from the official document entrusted to the
22 Japanese Government.

23 As to the time element in filing it, I
24 admit we were late in filing it, but some of these
25 documents we have had difficulty in getting hold of

1 until almost the last moment.

2 THE PRESIDENT: In view of the attitude
3 of the prosecution -- they say they have not had time
4 to examine the document -- the rule must be complied
5 with, and the document will not be received until it
6 has been.

7 MR. ROBERTS: We will be glad to hold it
8 until it has been.

9 THE PRESIDENT: We will recess for fifteen
10 minutes.

11 (Whereupon, at 1445 a recess was
12 taken until 1500, after which the proceed-
13 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: With the Tribunal's permission
4 the accused SHIGEMITSU has been absent from the court-
5 room all day conferring with his counsel.

6 Mr. Brannon.

7 MR. BRANNON: Prosecution exhibits 913, 916,
8 917 and 918 are called to the attention of the Tribunal
9 for the purpose of showing the source of the Japanese
10 information found in defense documents 1572 and 1573
11 soon to be presented.

12 THE PRESIDENT: What are you on now, Japanese
13 naval preparations?

14 MR. BRANNON: Yes.

15 The Tribunal will observe that they are the
16 statistics on Japanese ships.

17 We offer in evidence defense document 1596
18 which is information concerning vessels constructed and
19 under construction by the United States Navy Department
20 as of December 7, 1941 and is the basis of American
21 figures shown in defense documents 1572 and 1573. In
22 conjunction we offer defense document 1597 which is a
23 correction of an error in addition and is not in and of
24 itself important.

25 CAPTAIN ROBINSON: May it please the Court,

1 the prosecution has no objection to the admission
2 of any of these documents in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 1596
5 will receive exhibit No. 3001.

6 (Whereupon, the document above re-
7 ferred to was marked defense exhibit No.

8 3001 and received in evidence.)

9 MR. BRANNON: Our next witness is the man who
10 constructed the charts which are soon to be introduced,
11 defense documents 1572 and 1573.

12 CLERK OF THE COURT: Defense document 1597 will
13 receive exhibit No. 3002.

14 (Whereupon, the document above
15 referred to was marked defense exhibit
16 No. 3002 and received in evidence.)

17 MR. BRANNON: For the purpose of informing
18 this Tribunal of the authenticity of basic figures used
19 in compiling this chart I wish to read page 1 of docu-
20 ment 1596, exhibit No. 3001.

21 "NAVY DEPARTMENT

22 "BUREAU OF SHIPS

23 "WASHINGTON 25, D.C.

24 "The information concerning vessels constructed
25 or under construction by the United States Navy Department

1 as of 7 December 1941, and other information dated
2 23 January 1947 and bearing the symbols (NAVSHIPS (1851)
3 consisting of 11 pages hereby attached and made a part
4 hereof was prepared by Albert B. Ray who being duly
5 sworn did depose and say that he is the Production
6 Analyst in charge of the Ships Statistics Section of the
7 Bureau of Ships of the Navy Department; and, as such
8 Production Analyst, he has access to the official
9 records of the Navy Department with respect to the
10 matters herein considered; that the information con-
11 tained herein was taken by him from such official
12 records as a part of his normal and regular duties;
13 that the information contained herein and taken from
14 such official records was accurately and correctly
15 transcribed."

16 Following is the oath.

17 We call as our next witness Hidemi YOSHIDA.
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H I D E M I Y O S H I D A, recalled as a witness
on behalf of the defense, having previously
been sworn, testified through Japanese inter-
preters as follows:

THE PRESIDENT: You are still on oath, witness.

DIRECT EXAMINATION

BY MR. BRANNON:

Q Will you state your name, please?

A YOSHIDA, Hidemi.

MR. BRANNON: Will the witness be handed
defense document 2085.

(Whereupon, a document was handed to
the witness.)

Q Are the facts therein contained true and correct?

A Yes.

MR. BRANNON: I offer in evidence defense
document 2085, the affidavit of Hidemi YOSHIDA.

CAPTAIN ROBINSON: May it please the Court --

THE PRESIDENT: Captain Robinson.

CAPTAIN ROBINSON: Mr. President and Members
of the Tribunal, the prosecution has no objection to
the admission in evidence of this document, excepting
the last paragraph. This paragraph, number five, is
objectionable because it is a mere statement of the
witness' personal opinions and self-serving assumptions.

1 It states no facts and presents only incompetent
2 conclusions which invade the province of this Tribunal.
3 For that reason it is objectionable.

4 MR. BRANNON: We deem it to be most vital
5 to show that the Japanese Navy, through its appropriate
6 offices, anticipated the naval strength of America
7 and that their anticipation was correct. Otherwise,
8 I might myself doubt the relevancy of the testimony.
9 We are speaking of Japanese naval preparations for war
10 and why they prepared for war.

11 CAPTAIN ROBINSON: I call the Court's attention
12 particularly to the last sentence which shows -- which
13 is obviously improper.

14 THE PRESIDENT: I think that it is only the last
15 sentence you can really object to, Captain Robinson.

16 CAPTAIN ROBINSON: Yes, sir.

17 MR. BRANNON: The entire last sentence, Mr.
18 President, ending with the words "were well grounded"?

19 THE PRESIDENT: He is telling us what conclusion
20 they actually drew in the first sentence. The con-
21 clusions he draws here are different matters altogether.

22 MR. BRANNON: I have no objection to omitting
23 that.

24 THE PRESIDENT: The objection is sustained as
25 to the extent of the last sentence of the affidavit only.

YOSHIDA

DIRECT

26,615

1 The balance is admitted on the usual terms.

2 CLERK OF THE COURT: Defense document 2085

3 will receive exhibit No. 3003.

4 (Whereupon, the document above
5 referred to was marked defense exhibit
6 No. 3003 and received in evidence.)

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YOSHIDA

DIRECT

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1 MR. BRANNON: I proceed to read the affidavit:
2 "I, Hidemi YOSHIDA, having first been duly
3 sworn, do depose and say.

4 "1. I served as a member of the staff of
5 the Research Division of the Second Demobilization
6 Bureau, the Demobilization Board, from June 1946 to
7 May 1947. On the latter date I became Chief of the
8 said Division, and am still serving in that capacity
9 today. My work has been concerned principally with
10 preparation and correlation of information and data
11 to be submitted in compliance with demands from
12 General Headquarters, Supreme Commander for the Allied
13 Powers.

14 "Since spring of last year I have prepared
15 many reports of various kinds pertaining to the arma-
16 ments of the former Japanese Navy upon demand of GHQ
17 and the International Prosecution Section of the
18 International Military Tribunal for the Far East.
19 And I understand that a few of them -- tables showing
20 the vessels of the former Japanese Navy -- have been
21 exhibited in this Court.

22 "2. In April of this year, the Defense
23 Section of the International Military Tribunal for the
24 Far East handed me a copy of an official document of
25 the United States Navy Department pertaining to the

YOSHIDA

DIRECT

26,617

1 vessels of the United States Navy, with the request
2 that I prepare a comparative table of the vessels
3 that the United States and Japanese Navies had already
4 completed and had under construction as of 7 December
5 1941.

6 "Since our data on the United States Navy
7 had hitherto been largely a matter of inference and
8 deduction I experienced no small pleasure in thus
9 receiving for the first time such data of an official
10 character. In addition to the fact of the work of
11 making accurate comparative tables of the navies of
12 the two countries being a matter of personal interest
13 to me, I could see no good reason for refusing to
14 comply with the request of the Defense Section. I
15 therefore accepted the assignment gladly and addressed
16 myself with the utmost care to the preparation of the
17 comparative tables in two sheets and handed them to
18 the Defense Section upon completion. These are
19 defense documents No. 1572 and No. 1573."

20 I offer in evidence defense document --
21

22 CAPTAIN ROBINSON: Mr. President --
23

24 THE PRESIDENT: Captain Robinson.
25

CAPTAIN ROBINSON: Mr. President and Members
of the Tribunal, the prosecution objects to the final
admission in evidence of these documents at this time.

1 It is respectfully suggested that the documents be
2 tendered at this time for identification only, subject
3 to final admission or rejection after cross-examination
4 of Mr. YOSHIDA.

5 THE PRESIDENT: Well, Captain Robinson, that
6 may be the procedure in your State, but it is abso-
7 lutely new to me. You wish to test the qualifications
8 of the witness by some examination, preliminary exam-
9 ination?

10 CAPTAIN ROBINSON: No, sir. The purpose is
11 to show that the certificate attached is not accurate
12 and that the documents do not properly show the figures
13 that they are supposed to indicate.

14 THE PRESIDENT: Well, the documents will be
15 admitted on the usual terms in the first case, but
16 you may be able to show by cross-examination that the
17 figures are inaccurate.

18 CLERK OF THE COURT: Defense document 1572
19 will receive exhibit No. 3003-A, and defense document
20 1573 will receive exhibit No. 3003-B.

22 (Whereupon, the documents above
23 referred to were marked defense exhibit
24 Nos. 3003-A and 3003-B, respectively, and
25 received in evidence.)

THE PRESIDENT: Proceed.

YOSHIDA

DIRECT

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1 MR. BRANNON: I proceed to read the affidavit:
2 "One difficulty encountered in this work was
3 the fact that the two navies employed different sys-
4 tems in the classification of their ships. Adjust-
5 ments to overcome this difficulty were made in the
6 following manner:

7 "(a) Vessels of the United States Navy
8 listed as CV (aircraft carrier), CVL (carrier convert-
9 ed from cruiser) and CVE (escort carrier), as well as
10 vessels of the former Japanese Navy listed as air-
11 craft carrier and converted aircraft carrier (con-
12 verted from merchant ship) have all been grouped to-
13 gether under the single category of aircraft carriers.
14 I adopted this method of adjustment because of my be-
15 lief that it would only serve to confuse understand-
16 ing if these various classes of vessels were to be
17 treated separately, whether from the standpoint of
18 their capacity or the purposes for which they were
19 intended; and also because the definition of air-
20 craft carrier laid down by the London Naval Conference
21 of 1930 being -- 'The expression "aircraft carrier" in-
22 cludes any vessel of war, whatever its displacement,
23 designed for the specific and exclusive purpose of
24 carrying aircraft and so constructed that aircraft
25 can be launched therefrom and landed thereon' -- it

YOSHIDA

DIRECT

26,620

1 seemed the safest method to be guided by that defi-
2 nition.

3 "(b) The United States Navy's CB (large
4 cruiser) was included under heavy cruisers, while
5 Japan's training cruisers were included under light
6 cruisers.

7 "(c) The United States Navy's DD (destroyer),
8 DE (escort destroyer) and BDE (definition unknown to
9 me) are all treated as destroyers.

10 "(d) Construction of Japan's capital ship
11 SHINANO, along with another ship of the same type, was
12 commenced in April, 1940. But work on both was sus-
13 pended very shortly after their keels were laid, the
14 unnamed ship being dismantled, but the SHINANO being
15 left untouched on the dock with no plan for proceeding
16 with its construction until June 1942, when work was
17 commenced to build it into an aircraft carrier in
18 order to replace the carriers lost in the Battle of
19 Midway.

20 "For the above reason, the SHINANO is not in-
21 cluded in the table of ships under construction, either
22 as a capital ship or an aircraft carrier. Instead, I
23 have merely made an annotation at the bottom of the
24 table to the effect that there was one capital ship on
25 which work was suspended shortly after the keel was laid.

1 "5. In carrying out this request made to
2 me by the Defense Section, I made one significant dis-
3 covery. That was the fact that the estimate which our
4 Naval General Staff had made of the United States
5 Navy's strength by the process of inference and de-
6 duction was a strikingly close approximation of the
7 actual strength as shown by the official document
8 handed to me by the Defense Section; and that, if
9 anything, our estimate was somewhat lower than the
10 actual figures."

11 You may cross.

12 THE PRESIDENT: Captain Robinson.

13 CROSS-EXAMINATION

14 BY CAPTAIN ROBINSON:

15 Q Directing your attention, Mr. YOSHIDA, to
16 defense document 1573, exhibit No. 3003-B, the table
17 entitled "Comparative Table of Naval Vessels Under
18 Construction Between the U. S. A. and Japan, as of
19 December 7, 1941," at the second item from the top, in
20 the left-hand column, namely, "Aircraft Carriers," will
21 you tell this Tribunal how you arrived at the figures
22 which you have stated there?

23 A May I reply while referring to this chart
24 which was made by me?

25 Q Just answer the question please.

1 A Involving statistics as it does, I would not
2 be able to reply correctly unless I refer to the
3 chart.

4 THE PRESIDENT: You made the chart. Where
5 did you get the material in the chart?

6 THE WITNESS: Are you referring, Sir, to the
7 American sources or the Japanese sources?

8 Q I am referring to both.

9 A Then, let me reply first with respect to the
10 Japanese materials. All the data I had in my posses-
11 sion in my office had been lost, so I secured author-
12 itative data in the possession of the Naval Construc-
13 tion Headquarters, and in drawing up this chart I
14 used the identical data which I prepared and gave to
15 you, Captain Robinson.
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1 Q Mr. Witness, the Japanese figures are based
upon exhibit 918 as prepared by you?

2 A Yes.

3 Q My question is: And refer to exhibit 918
4 and indicate to this Tribunal how you arrived at the
5 total four aircraft carriers, with the number of tons
6 accompanying.

7 A May I refer to the document which I presented
8 to you, Captain Robinson? because it involves type of
9 craft and tonnage.

10 Q Certainly. I am referring to exhibit 918,
11 which is an exhibit in court. Refer to that.

12 THE PRESIDENT: Mr. Brannon.

13 MR. BRANNON: We ask that the witness be
14 given all the charts so that he may refer to them
15 from the box.

16 CAPTAIN ROBINSON: Certainly.

17 THE PRESIDENT: He can have any exhibit he
18 wants.

19 A Then, I shall give the type and tonnage of
20 naval vessels under construction.

21 SHOHO, 9,500 tons; JUNYO, 19,000; HIYO, 19,000
22 tons; TAIHO, 30,360 tons. That totals four aircraft
23 carriers -- four crafts.

24 Q Now, Mr. Witness, refer to court exhibit 918.

25 Why do you omit the carrier UNYO from this total of

four as contained in this exhibit?

A The UNYO was a merchant vessel by the name of YAWATA MARU and was not constructed until January, 1941, and therefore was considered improper to include among aircraft carriers.

Q In the American figures, however, you did include converted carriers, did you not?

A Yes.

Q Why do you include certain figures against the American totals and do not include them against the Japanese totals?

A What is set forth in this comparative table are the figures as of December 7, 1941. The conversion of the UNYO did not commence until January, 1942 and therefore it is only natural not to include this ship among naval vessels under construction.

THE PRESIDENT: That is correct as far as exhibit 918 shows, but that is not an answer to the question.

Q Referring to exhibit 3,001 --

A I don't have any other reply to that question.

THE PRESIDENT: You were asked about American converted aircraft carriers.

THE WITNESS: Next I shall explain how I drew up the figures on the United States naval vessels.

1 I was able to arrive at those totals by the
2 materials on the United States Navy borrowed from
3 defense counsel. I am not familiar with the ques-
4 tion of conversion and the condition of the merchant
5 fleet. I merely added up the figures by taking what
6 was in the United States data, giving naval construc-
7 tion as of December 7, 1941, for instance, with refer-
8 ence to escort carriers, and took those figures.

9 THE INTERPRETER: Correction on escort car-
10 riers; converted carriers.

11 Q All right, where are those figures which you
12 took?

13 A I have a copy of the material which was loaned
14 to me by the defense. I think if this is seen, the
15 question would be understood.

16 Q I understand, Mr. "witness", that your figures
17 here are based on the exhibit already introduced into
18 evidence, exhibit 3,001. I want you to refer to that
19 exhibit and tell us where your figures came from.
20

21 THE PRESIDENT: Probably he means defense
22 counsel gave him copies of the prosecution exhibits;
23 but he should look at the exhibits in court.

24 CAPTAIN ROBINSON: If the Court please, there
25 is no prosecution exhibit on that subject, on conver-
ted carriers.

1 THE PRESIDENT: Then, defense counsel could
2 not supply him with the materials that we would take
3 any notice of. They are not a source of naval infor-
4 mation.

5 THE INTERPRETER: The witness replied: "I
6 am prepared to answer."

7 THE PRESIDENT: Mr. Brannon, you might clear
8 it up.

9 MR. BRANNON: Yes. The witness used exhibit
10 3,001 and 3,002 as a basis of his American figures
11 given to him by me and which has been read in part by
12 me today.

13 THE PRESIDENT: And that came from "Washington?"

14 MR. BRANNON: That came from Washington. Then,
15 as a basis for the Japanese figures, as I said before,
16 he used prosecution exhibits.

17 THE PRESIDENT: Yes.

18 Q Will you go ahead with your answer?

19 A Then, may I quote from the official document
20 concerning the United States Navy, which I borrowed
21 from the defense?

22 Q Is that exhibit 3,001?

23 A Will you give me a clear direction? I seem
24 to confuse the name of the document and the exhibit
25 number.

1 ted to this exhibit 3,001 from Washington and not
2 to the witness, because the Washington document con-
3 firms exhibit 3,003-B.

4 THE INTERPRETER: The witness said: "May I
5 reply?"

6 Q Go ahead.

7 A I cannot reply any more than by saying that I
8 took out of the United States official documents the
9 number of ships, 22, total tonnage 442,300, as it was
10 contained in the documents.

11 Q Mr. Witness, directing your attention to ex-
12 hibit 3,001, at pages 4 and 5, will you please name
13 the carriers there which you have taken to enter as a
14 total of 22 in exhibit 3,003-B?

15 THE PRESIDENT: As a matter of fact, there
16 are twenty-four in that list, aren't there?

17 CAPTAIN ROBINSON: Not that come within this
18 description, I believe, your Honor.

19 THE PRESIDENT: Captain Robinson, it may be
20 that if you have time to compare these documents you
21 will come to the conclusion that there is very little
22 wrong with them. It so far appears that as regards
23 American ships, this man is going on a document from
24 Washington.

25 CAPTAIN ROBINSON: If the Court please, I

1 have compared these charts which he has prepared very
2 carefully and his figures are not supported by the
3 Washington documents.
4

5 THE PRESIDENT: This will be a painfully slow
6 way of correcting his figures. Maybe you should simp-
7 ly intimate that you challenge their accuracy and
8 give evidence in rebuttal on this. You will be giving
evidence in rebuttal in other matters.

9 CAPTAIN ROBINSON: That is true, if the
10 Court please, except where necessary to show what
11 figures the witness used as a basis for comparison,
12 and frankly, after many hours of study of his charts
13 I can't find where his figures came from.

14 THE PRESIDENT: The defense say they came from
15 prosecution exhibits 913 to 918 inclusive, I think,
16 and from this exhibit 3,001 as corrected by 3,002,
17 and that is the sole source of the figures. The defense
18 are fixed to those and we need not look beyond them.
19 That will save you a lot of cross-examination. The
20 defense stand or fall on those exhibits I have men-
21 tioned. We need only look at that and form our own
22 conclusions.
23

24 CAPTAIN ROBINSON: May I refer, sir, to ex-
25 hibit 3,003-A to illustrate further what I think is
the difficulty with the figures that have been pro-

1 vided by the witness. If I may direct the witness' 2 attention to defense document 1572, now exhibit 3,003-A, 3 entitled "Comparative Table of Naval Vessels on Hand 4 Between the U.S.A. and Japan as of December 7, 1941," 5 the second item from the top, namely, aircraft carriers--

6 Q Will you, Mr. Witness, show on the Washington 7 documents where you arrived at the figures eight 8 carriers with the tonnage put opposite them?

9 A I shall reply. I obtained those figures from 10 Section 3-A of the documents of the Naval Department, 11 Bureau of Ships. Then I shall change my reply and 12 give you the name of the ship and tonnage.

13 Q You may omit the tonnage.

14 A Under type CV I have given LEXINGTON, 33,000 15 tons; SARATOGA, 33,000 tons; the RANGER, 14,500 tons; 16 the YORKTOWN, 19,800 tons; the ENTERPRISE, 19,800 17 tons; the WASP, 14,700 tons; the HORNET, 19,800 tons. 18 That totals seven aircraft carriers.

19 THE PRESIDENT: Well, ten or twenty or thirty 20 thousand tons is neither here nor there in a matter of 21 this description. Why waste a lot of time on details?

22 CAPTAIN ROBINSON: Those are all the carriers 23 there, sir. He has found another carrier somewhere 24 and I am trying to find it.

25 THE WITNESS: This type CVE, the LONG ISLAND,

was also included, 8,000 tons.

1 Q When you arbitrarily placed the CVE LONG
2 ISLAND in that same class of combat carriers, did
3 you not know that records of the Navy show that the
4 LONG ISLAND is not a combat carrier and that she was
5 used throughout the war only for transporting planes?
6

7 THE PRESIDENT: Mr. Brannon.
8

9 MR. BRANNON: The witness was not placed on
10 the stand by the defense to prove any figures. We
11 used his skill as a draftsman to take the figures
12 which we gave him from American courses, and compare
13 the prosecution figures already in evidence. There-
14 fore he cannot answer any questions relative to the
15 American figures unless they appear on the pages of
16 this exhibit before the Tribunal.

17 THE PRESIDENT: Yes, we regard him as such.
18 We had no doubt that he was speaking from American
19 figures, and the attack must be made on those, if at
20 all. His calculations may be wrong, but there is no
21 need to cross-examine him in great detail. We must
22 not forget the magnitude of the issues here and con-
23 fuse them with small issues such as might arise in a
24 naval inquiry in Washington or somewhere else.
25

We will adjourn until half-past nine on Monday.

(Whereupon, at 1600, an adjournment was
taken until Monday, 25 August 1947, at 0930.)

- - - -

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

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